

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 6021

BILL NUMBER: SB 247

DATE PREPARED: Nov 16, 2000

BILL AMENDED:

SUBJECT: Possession of Firearms by Minors.

FISCAL ANALYST: Mark Goodpaster

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FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State

Summary of Legislation: This bill has the following provisions:

(A) It increases the penalty for dangerous possession of a firearm from a Class A misdemeanor to a Class D felony for violators who are at least 16 years of age.

(B) It provides for a nonsuspendible period of incarceration. It makes dangerous possession of a firearm by a child who is less than 16 years of age a delinquent act under the exclusive jurisdiction of the juvenile court. (Current law does not address the appropriate jurisdiction for a case involving the dangerous possession of a firearm by a child who is less than 16 years of age.)

(C) It provides for a minimum period of confinement in a secure facility for violations by a child less than 16 years of age that occur in a public safety improvement area established by the city legislative body in Indianapolis, Fort Wayne, Evansville, Gary, South Bend, Hammond, Muncie, Bloomington, Anderson, Terre Haute, Kokomo, Lafayette, Elkhart, Mishawaka, Richmond, or New Albany. It makes conforming changes.

Effective Date: July 1, 2001.

Explanation of State Expenditures: (A) State expenditures could increase if juvenile offenders are incarcerated for longer periods in Department of Correction (DOC) juvenile facilities.

The following table shows the number of juvenile offenders admitted to a DOC juvenile facility for violating IC 35-47-10-5 during FY 2000:

Age Group	Under 14	14 Years	15 Years	16 Years	17 Years	Total
Number of Juveniles	1	1	4	2	0	8

Disallowing placement in home detention or other community corrections programs could increase the number of juveniles who would be placed in juvenile facilities. (e.g., the cost of electronic monitoring in home detention averages \$13.85 a day, or \$5,055 annually) if no other facilities are available at the local level. The number of juveniles sentenced to community corrections programs for firearm possession violations is not known.

(B) This provision clarifies juvenile court jurisdiction for the offense specified. It is unlikely that this offense would be prosecuted by itself (experience shows that a more significant firearm offense is usually charged). Any additional convictions due to this provision would probably be very few.

(C) Legislative bodies of second class and consolidated cities may apply to the Indiana Criminal Justice Institute to create Public Safety Improvement Areas under IC 36-8-19.5. Areas with this designation must have high crime rates. These areas are eligible to receive grants from the Criminal Justice Institute to address these problems.

As of November 1, 2000, Public Safety Improvement Areas were located in two sections of Indianapolis (Marion County), one in Michigan City (Laporte County), and one in East Chicago (Lake County). As of November 3, 2000, two male juveniles from Marion County were in DOC facilities for weapons possession violations under IC 35-47-10-5. No offenders from Lake County or Laporte County were in DOC facilities on that date for violating this section of the statute.

If juveniles are convicted of firearm possession violations in these areas, this bill requires that they spend a minimum nonsuspendible 120-day sentence in either a secure facility or a quasi-military program for rehabilitative purposes. For the period between January 1, 1998, and June 31, 2000, 10 juveniles who were under 16 at the time of sentencing were released from DOC facilities after being incarcerated for violations of IC 35-47-10-5. Their average length of stay in DOC facilities for this statute violation was 546 days.

The average FY 1999 DOC cost of housing juveniles was \$55,213 (The FY 1999 cost of the DOC Camp Summit quasi-military boot camp program specified in the bill was \$56,758).

Explanation of State Revenues:

Explanation of Local Expenditures: (B) Juvenile courts would be unlikely to experience any measurable effect due to this bill.

Explanation of Local Revenues:

State Agencies Affected: Department of Correction.

Local Agencies Affected: Juvenile trial courts, law enforcement agencies.

Information Sources: Gary Chavers, Marion County Prosecutor's office, 327-5959; Criminal Justice Institute; Planning Division, Department of Correction.